

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO:

MICHAEL W. MONAGHAN

20-12239-JDW

NOTICE OF TRUSTEE'S MOTION TO DISMISS

Should any party receiving this notice respond or object to said motion, such response is required to be filed on or before September 3, 2020, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court
U. S. Bankruptcy Court
Northern District of Mississippi
703 Highway 145 North
Aberdeen, MS 39730

A copy of such response must be served on the undersigned Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time for responses has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

CERTIFICATE

I, the undersigned Attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney if known.

Dated: August 10, 2020.

**LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE**

/s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
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**IN THE UNITED STATES BANKRUPTCY COURT FOR
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IN THE MATTER OF:

CHAPTER 13 CASE NO.:

MICHAEL W. MONAGHAN

20-12239-JDW

MOTION TO DISMISS FOR FAILURE TO NOTICE CHAPTER 13 PLAN

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Motion to Dismiss for Failure to Notice Chapter 13 Plan (the “Motion”) and in support states as follows:

1. The Debtor initiated this proceeding with the filing of a voluntary petition for relief on July 2, 2020. The Chapter 13 Plan (Dkt. #13) was filed on July 22, 2020. The Notice of Chapter 13 Bankruptcy (Official Form 309I) (Dkt. #16) was filed on July 29, 2020. The Section 341(a) Meeting of Creditors is set for August 20, 2020.

2. Miss. Bankr. L.R. 3015-1(d) requires that “[i]n all chapter 13 cases, the attorney for the debtor (or the debtor) shall serve a copy of the plan and a notice on the trustee, the United States Trustee, and all creditors no later than 7 days after the filing of the Notice of Chapter 13 Bankruptcy Case (Official Form 309I) or the filing of the plan, whichever is later.”

3. The Plan was not served upon the parties in interest within the required time frame. As of the filing of this Motion, the Plan has not been served.

4. The failure to serve the Plan as required by local rule is to the detriment of all creditors and other parties in interest.

5. The Trustee requests that this case be dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee, prays that upon notice and hearing that this Court enter its order granting the Motion and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: August 10, 2020.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

By: /s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: August 10, 2020.

/s/ Melanie T. Vardaman
MELANIE T. VARDAMAN